

## **REMARKS**

Claims 1-15 are pending in the present application. In the Office Action, claims 1-15 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gardner (U.S. Patent No. 6,174,794) in view of Mandelman (U.S. Patent No. 6,429,477). The Examiner's rejections are respectfully traversed.

The present application claims priority to German Patent Application No. 100 54 109.7, which was filed on October 31, 2000. A certified copy of the priority document was submitted to the Office on May 3, 2001 (a copy of the priority document submission letter and the filing receipt are included herein). Thus, Applicants believe that the claim to the priority date of October 31, 2000 has been perfected. In view of the perfected priority date, Applicants respectfully submit that Gardner, which has an issue date of January 16, 2001, is not available as prior art under 35 USC 102(a). Since Gardner has a filing date of August 20, 1998, Applicants further submit that Gardner is only available as prior art under 35 USC 103 via 35 USC 102(e).

However, according to MPEP §706.02(I)(1), "effective November 29, 1999, subject matter which was prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention 'were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.' " The present application was filed after November 29, 1999. Furthermore, the present application and Gardner were, at the time the present invention was made, owned by the same entity or subject to an obligation of assignment to the same entity, namely Advanced Micro Devices, Inc. Thus, Applicants respectfully submit that Gardner is not available as prior art against the present application in any obviousness determination.


For at least the aforementioned reasons, Applicants respectfully submit that the Examiner's rejection of claims 1-15 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gardner in view of Mandelman is improper and request that the Examiner's rejections be withdrawn.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

Date: \_\_\_\_\_

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